



January 31, 2006

Ms. Marlene H. Dortch
Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Ex Parte Submission

Re: IP-Enabled Services, WC Docket No. 04-36; E911 Requirements for IP-Enabled Service Providers, WC Docket No. 05-196

Dear Ms. Dortch:

On January 30, 2006, the undersigned and James S. Blaszak of Levine, Blaszak, Block & Boothby, LLP, met with Michelle Carey, Senior Legal Advisor to Chairman Martin, to discuss issues of concern to enterprise customers raised by the Commission's June 3, 2005 Report and Order and Notice of Proposed Rulemaking in the dockets captioned above, *IP-Enabled Services and 911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245 (2005) ("*VoIP 911 Order*").

We described the network architecture and service configurations typically used by enterprise customers deploying VoIP technologies at their locations. For purposes of that discussion, we referred to the schemata attached to this letter. As illustrated in the attachment, enterprise customers typically deploy VoIP technologies on their internal private networks. VoIP traffic on those networks consists primarily of intra-corporate communications within or between the enterprise customer's premises. Enterprise customers usually convert traffic bound for points on the PSTN to traditional circuit-switched transmission protocols (*i.e.*, TDM) before hand-off to the PSTN, typically via a gateway function in their IP PBXs. In addition, enterprise customers' IP PBXs, like traditional PBXs, are programmed to detect 911 calls and route them (after TDM conversion) to the local wireline network for processing like any other circuit-switched 911 call originating on the local wireline network. Users at the enterprise customer's premise rarely, if ever, access the public Internet in order to originate and terminate VoIP calls. Nomadic users (*e.g.*, teleworking employees or employees working temporarily at off-site locations) may use the public Internet to reach their company's private VoIP network services.

We observed that the regulatory requirements adopted in the *VoIP 911 Order*, while clearly applicable to commercial providers of mass market VoIP services, should not apply to VoIP-equipped enterprise customer networks because those networks do not compromise 911 service. We also observed that the *Order* does not appear to apply to such networks because they do not satisfy the *Order's* four-pronged test for "interconnected VoIP services." *VoIP 911 Order*, 20 FCC Rcd 10245 at para. 24. In



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addition, footnote 78 of the *Order* appears to distinguish “interconnected VoIP services” from the VoIP services that enterprise customers obtain when they use an IP PBX in conjunction with other telecommunications services or VoIP services to exchange traffic with points on the PSTN in non-IP format, *e.g.*, an IP PBX-equipped office connected to the PSTN via an ISDN PRI line. Whether enterprise customers purchase their PSTN connection from a facility-based LEC or from a third party, they are not purchasing “a single service that provides the functionality” customers obtain when they purchase “interconnected VoIP services” which meet the *Order’s* four-pronged test. *VoIP 911 Order*, 20 FCC Rcd 10245 at footnote 78.

Pursuant to Section 1.1206(b) of the Commission’s Rules, 47 C.F.R. § 1.1206(b), this letter is being filed with the Office of the Secretary.

Sincerely,

A handwritten signature in black ink that reads 'Colleen Boothby'.

Colleen Boothby
Levine, Blaszak, Block & Boothby, LLP

Attachment
cc: Michelle Carey



